

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

Meruelo Capital Partners 2, LLC

V.

Vishal Bhutani & Paul Eibleler

SUMMONS IN A CIVIL ACTION

CASE NUMBER

08 CV 00531

TO: (Name and address of Defendant)

Paul Eibleler
41 Frost Creek Drive
Lattington, New York 11560

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

THE ROSEN LAW FIRM, P.A.
Laurence M. Rosen
Phillip Kim
350 5th Avenue, Suite 5508
New York, New York 10118
tel: (212) 686-1060

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

JAN 22 2008

CLERK

DATE

(By) DEPUTY CLERK

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Date Purchased: January 22, 2008

COUNTY

Date Filed:

Court Date:

ATTORNEY(S): LAURENCE M. ROSEN ESQ. : THE ROSEN LAW FIRM P.A. PH: 212-686-1060

ADDRESS: 350 FIFTH AVENUE SUITE 5508 NEW YORK NY 10118 File No.:

MERUELO CAPITAL PARTNERS 2, LLC,

vs.

VISHAL BHUTANI & PAUL EIBLELER,

Plaintiff(s)/Petitioner(s)

Defendant(s)/Respondent(s)

STATE OF NEW YORK, COUNTY OF NASSAU SS.:

ELHAM SHATARA

, being duly sworn deposes and says: Deponent is not a party herein, is over 18 years

of age and resides in New York State. On February 9, 2008 at 12:43 PM

at 41 FROST CREEK DR. LOCUST VALLEY, NY 11560-1028, deponent served the within

Summons In A Civil Action, Complaint For Violations of California and Washington Securities Laws

with Index Number 08 CV 00531, and Date Purchased January 22, 2008 endorsed thereon,

on: **PAUL EIBLELER**, **Defendant** therein named.#1 INDIVIDUAL ☐ By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.#2 CORPORATION ☐ By delivering to and leaving with _____ and that deponent knew the person so served to be Managing Agent of the corporation, and authorized to accept service on behalf of the corporation.*Service was made in the following manner after your deponent was unable, with due diligence, to serve the witness/defendant in person, and an attempt to locate the defendant's place of employment.*#3 SUITABLE AGE PERSON ☐ By delivering a true copy of each to _____ a person of suitable age and discretion. Said premises is recipient's [] actual place of business [] dwelling house (usual place of abode) within the state.#4 AFFIXING TO DOOR ☒ By affixing a true copy of each to the door of said premises, which is recipient's: [] actual place of business [X] dwelling house (place of abode) within the state.#5 MAIL COPY ☒ On February 11, 2008, deponent completed service under the last two sections by depositing a copy of the ABOVE DOCUMENTS to the above address in a 1st Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York. Certified Mail No. _____

Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called

thereat on the 30 day of January, 2008 at 7:29 AM
on the 1 day of February, 2008 at 6:26 PM
on the 9 day of February, 2008 at 12:43 PM
on the _____ day of _____ at _____#6 NON-SRVC ☐ After due search, careful inquiry and diligent attempts, I have been unable to effect process upon the person/entity being served because of the following: [] Unknown at Address [] Evading [] Moved left no forwarding [] Address does not exist [] Other: _____#7 DESCRIPTION ☐ A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:Sex _____ Color of skin _____ Color of hair _____ Age _____ Height _____
(use with #1, 2 or 3) Weight _____ Other Features: _____#8 WIT. FEES ☐ the authorized witness fee and / or traveling expenses were paid (tendered) to the recipient.#9 MILITARYSRVC ☐ Deponent asked person spoken to whether the defendant was presently in military service of the United States Government or of the State of New York and was informed that defendant was not.#10 OTHER ☒ ADDRESS CONFIRMED WITH MAIL CARRIER. UNABLE TO CONFIRM THE MILITARY QUESTION.

Sworn to before me on this 11 day of February, 2008

BARBARA A. SHURGIN

NOTARY PUBLIC, State of New York

No. 30-5004737, Qualified in Nassau County

Commission Expires November 23, 2010

ELHAM SHATARA

Server's Lic # 1059412

Invoice•Work Order # 0805671